

## Subpart C—Definitions

### § 170.300 Agency.

*Agency* means a Federal agency as defined at 5 U.S.C. 551(1) and further clarified by 5 U.S.C. 552(f).

### § 170.305 Award.

*Award*, for the purposes of this part, effective October 1, 2010, means a grant or cooperative agreement. On future dates to be specified by OMB in policy memoranda available at the OMB Web site, award also will include other types of awards of Federal financial assistance subject to the Transparency Act, as defined in § 170.320.

### § 170.310 Entity.

*Entity* has the meaning given in 2 CFR part 25.

### § 170.315 Executive.

*Executive* means officers, managing partners, or any other employees in management positions.

### § 170.320 Federal financial assistance subject to the Transparency Act.

*Federal financial assistance subject to the Transparency Act* means assistance that non-Federal entities described in § 170.105 receive or administer in the form of—

- (a) Grants;
  - (b) Cooperative agreements (which does not include cooperative research and development agreements pursuant to the Federal Technology Transfer Act of 1986, as amended (15 U.S.C. 3710a));
  - (c) Loans;
  - (d) Loan guarantees;
  - (e) Subsidies;
  - (f) Insurance;
  - (g) Food commodities;
  - (h) Direct appropriations;
  - (i) Assessed and voluntary contributions; and
  - (j) Other financial assistance transactions that authorize the non-Federal entities' expenditure of Federal funds.
- (b) Does not include—
- (1) Technical assistance, which provides services in lieu of money;
  - (2) A transfer of title to Federally owned property provided in lieu of money, even if the award is called a grant;
  - (3) Any classified award; or

(4) Any award funded in whole or in part with Recovery funds, as defined in section 1512 of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5).

EDITORIAL NOTE: At 75 FR 55669, Sept. 14, 2010, § 170.320 was added with two paragraph (b)s.

### § 170.325 Subaward.

*Subaward* has the meaning given in paragraph e.3 of the award term in Appendix A to this part.

### § 170.330 Total compensation.

#### APPENDIX A TO PART 170—AWARD TERM

*Total Compensation* has the meaning given in paragraph e.5 of the award term in Appendix A to this part.

#### APPENDIX A TO PART 170—AWARD TERM

##### I. Reporting Subawards and Executive Compensation.

###### a. Reporting of first-tier subawards.

1. *Applicability.* Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111–5) for a subaward to an entity (see definitions in paragraph e. of this award term).

###### 2. Where and when to report.

i. You must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. *What to report.* You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

###### b. Reporting Total Compensation of Recipient Executives.

1. *Applicability and what to report.* You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—

- i. the total Federal funding authorized to date under this award is \$25,000 or more;
- ii. in the preceding fiscal year, you received—

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and